

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EDWARD SALAS,

Plaintiff,

v.

Civ. No. 19-384 KG/GBW

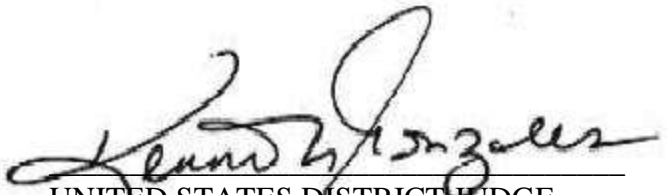
DAVID JABLONSKI,
GERMAN FRANCO,

Defendants.

ORDER OF DISMISSAL

This matter comes before the Court following Plaintiff's failure to pay the filing fee for his prisoner civil rights action. The Court set a deadline of September 2, 2019 to prepay the \$400 fee, after determining Plaintiff was not eligible to proceed *in forma pauperis*. (Doc. 5). The Order warned that the failure to timely comply will result in the dismissal of this action without further notice. *Id.* Plaintiff did not pay the fee or otherwise show cause for such failure. Therefore, the Court will dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED that Plaintiff's Prisoner Civil Rights Complaint (Doc. 1) is dismissed without prejudice; and the Court will enter a separate judgment disposing of this civil case.



UNITED STATES DISTRICT JUDGE